

FISCAL NOTE

HB 1115 - SB 1654

April 2, 2007

SUMMARY OF BILL: Current law requires the condemner to pay for any discretionary court costs in condemnation cases if the amount of compensation awarded is in excess of the amount deposited by the condemning agency with the court clerk. According to the provisions of this bill, the term “condemner” would specifically include the state.

ESTIMATED FISCAL IMPACT:

**Increase State Expenditures – Exceeds \$600,000/Highway Fund
Less than \$100,000/General Fund**

Assumptions:

- Currently, there are approximately 75 cases per year involving the Tennessee Department of Transportation that would conform to the provisions of the bill. However, by shifting some of the cost to the state, this is estimated to increase to 120 cases per year.
- It is estimated that in each of the 120 cases, discretionary costs will be at least \$5,000 per case.
- The vast majority of these cases result from actions against the Department of Transportation (TDOT) and as a result, the majority of the fiscal impact is to the Highway Fund. However, there are cases against the state that are not associated with TDOT. Therefore, there will be an additional fiscal impact to the general fund.

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "James W. White".

James W. White, Executive Director

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